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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,926	04/15/2004	Ty O. Ahmad-Taylor	007412.00117	9035
71/867 7590 06/07/2010 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,926

Applicant(s)

AHMAD-TAYLOR, TY O.

Examiner

FRED PENG

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 7-14, 20, 24-36 and 39-59 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 54 and 55 is/are allowed.
6) ☒ Claim(s) 2, 7-14, 20, 24, 36, 39-53, 56, 57 and 59 is/are rejected.
7) ☒ Claim(s) 2, 13, 20, 24-36 and 58 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-646)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 2, 7-14, 20, 24-36 and 39-59 are pending in this application.

Claim Objections

2. Claims 2, 13, 20, 24 and 36 objected to because of the following informalities: The Claims are dependent on the later claims with higher claim numbers. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 2, 7-14, 41-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 41 and 47, the claimed limitations of "a window having a perimeter where a portion of the perimeter is outside the grid and another portion of the perimeter extends to a limited portion of the grid that includes but does not beyond a boundary defined by a highlighted cell" is too broad and is not clear what the window really looks like. A portion of perimeter could be very short or could be very long which might extent beyond the program guide. The applicant needs more clearly to define the boundary of the window such as within the program guide, etc.

Claims 2, 7-14, 42-46 and 48-53 depend on Claims 41 and 47 respectively as described above; therefore, also are rejected based on their dependencies.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20, 24, 36, 39, 40, 56, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2009/0193458) in view of Yuen et al (US 2010/0115556).

Regarding Claims 39 and 56, Finseth discloses an apparatus (FIG.3, 34) with corresponding method comprising:

a processor (74) configured to process program information and to cause display of an electronic programming guide (EPG) (FIG.4) comprising:

a celled grid having a first data set on a vertical axis (94) and a second data set on a horizontal axis (98), wherein cells at an intersection of the first data set and the second data set display an available program title (92; Grumpier Old Men); and

a window (106) displaying information concerning a program title of a highlighted cell (Grumpier Old Men highlighted), the window located such that there are no non-highlighted cells between the highlighted cell and the window (Para 60-64; no non-highlighted cells between the highlighted cell Grumpier Old Men and the window 106).

Finseth is silent about the window and the highlighted cell having a consistent background, and wherein the background differs from a background of other cells in the celled grid.

In an analogous art, Yuen discloses the highlighted background of cursor 48 and the background of program description area 44 are the same color or shade (FIG.2; Para 16 lines 11-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include the window and the highlighted cell having a consistent background, and wherein the background differs from a background of other cells in the celled grid, as taught by Yuen to highlight the in-focus program and related information to assist quicker navigation.

Regarding Claim 20, Finseth further discloses the window displays only one program title from the grid (FIG.4; the window 106 displays only Grumpier Old Men from the grid).

Regarding Claims 24 and 57, Finseth discloses the window further includes an auxiliary menu, the auxiliary menu including a menu of options for the highlighted cell (FIG.4, 108).

Regarding Claim 36, Finseth further discloses the EPG including an advertisement relating to the highlighted cell (FIG.6, 114; Para 74-75).

Regarding Claims 40 and 59, Finseth further discloses the grid cells are capable of scrolling vertically and horizontally and wherein titles associated with the first data set move into an adjacent row when the cells scroll vertically and titles associated with the second data set move into an adjacent column when the cells scroll horizontally (Para 60-64).

Response to Arguments

7. Applicant's arguments with respect to claims 2, 7-14, 20, 24-36 and 39-59 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 25-35 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 54 and 55 appear to be allowable for the subject matter of "display of scrolling of the grid cells vertically or horizontally such that titles associated with the first data set move into an adjacent row when scrolling vertically and titles associated with the second data set move into an adjacent column when scrolling horizontally, wherein a first program title occupies a window displaying program information about a first program, and when a second program title is caused to scroll into the window, at least a portion of the first program title and the second program title share the window until the first program title exits the window".

Conclusion

10. Claims 2, 7-14, 20, 24, 36, 39-53, 56-57 and 59 are rejected.
11. Claims 25-35 and 58 are objected.
12. Claims 54 and 55 are allowable.

Correspondence Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426